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**BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

FRIENDS OF THE SAN JUANS, LYNN BAHRYCH AND
JOE SYMONS, et al.

Petitioners,

v.

SAN JUAN COUNTY,

Respondent

No. 03-2-0003c

ORDER IN RESPONSE
TO MOTION FOR
CLARIFICATION AND
ISSUING CORRECTED
ORDER

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MOTION FOR CLARIFICATION

On March 31, 2003, the Board received a Motion and Declaration to Clarify Order from San Juan County (County) regarding the Compliance Order and Final Decision and Order issued on March 20, 2003 in Case No. 03-2-0003c. The County asked us to clarify our decision concerning the construction and rental of new freestanding (detached) accessory dwelling units (ADUs) in the County's resource lands. The County framed the issues as follows:

1. Are new freestanding ADUs allowed in resource lands only if they considered as the equivalent of another dwelling unit for the purposes of density calculations, their occupancy is limited to resource workers (family or employees), and their locations do not allow interference with resource production? Or are freestanding ADUs in resource lands allowed regardless of density, if their occupancy is limited to resource workers (family or employees) and their locations do not allow interference with resource production?
2. Are all short-term rentals in resource lands prohibited? Or are short-term rentals in resource lands to family members and other workers actually allowed?

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2 On April 1, 2003, we received the Petitioners' Response to the County's Motion to
3 Clarify Order.
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6 The Petitioners argued that the only consistent interpretation of this Board's order is to treat a
7 freestanding ADU on resource lands as a dwelling unit for density purposes. The Petitioners also
8 point out that the County has already adopted an ordinance that prohibits short-term or vacation
9 rentals in resource lands. They argue that the issue of allowing short-term rentals in resource
10 lands was not briefed or argued at the hearing, and therefore, is not before the Board at this time.
11

12 **ORDER RE: MOTION TO CLARIFY**

13 The Board now clarifies its March 20, 2003 Order in regard to the construction of ADUs in
14 resource lands, as follows:
15

16 A) ADUs on resource lands.

17 Regulations that allow a freestanding (detached) ADU on a natural resource land parcel
18 can be made to be consistent with the GMA only under the following conditions:

19 (1) The ADU can only be available for occupancy or rent on a long-term basis to family
20 members employed in resource production or other workers employed by the property
21 owner in resource production;
22

23 (2) The regulations include specific locational standards that clearly do not allow
24 interference with resource production; and

25 (3) The freestanding ADU is counted as a dwelling unit for the purposes of calculating
26 the appropriate density on a resource parcel.
27

28 B) Short-term rental of ADUs in resource lands.

29 As to short-term rentals in resource lands, the Petitioners are correct that this issue was
30 not before the Board. The County has adopted an ordinance that prohibits
31
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1 short-term or vacation rentals of ADUs in resource lands. The issue of short-term
2 rentals in resource lands was not before the Board in this case.
3

4 **ORDER ISSUING CORRECTED DECISION**

5 Due to the statutory time requirements for issuing a decision upon a compliance hearing, the
6 Board had a very short deadline for issuing its decision on the consolidated cases for compliance
7 (Case No. 00-2-0062c and 99-2-0010c) and the new petition for review filed in Case No.
8 03-2-0003. The Board has reviewed the *Friends of the San Juans, Lynn Bahrych, and Joe*
9 *Symons, et al.* Case No. 03-2-0003c, Final Decision and Order; and Compliance Order dated
10 March 20, 2003, and determined that sufficient errors were contained in that order to merit the
11 issuance of a corrected version. We hereby ISSUE the, Corrected Final Decision and Order and
12 Compliance Order in *Friends of the San Juans, Lynn Bahrych and Joe Symons, et al. v. San Juan*
13 *County*, Case No. 03-2-0003c; which shall supersede our Final Decision and Order; and
14 Compliance Order dated March 20, 2003 in *Friends of the San Juans, Lynn Bahrych, and Joe*
15 *Symons, et al.*, Case No. 03-2-0003c,.
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19 For purposes of calculating the time period for appeal, we consider the County's Motion for
20 Clarification as a motion for reconsideration.
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23 This is a Final Order under RCW 36.70A.300(5) for purposes of appeal. The time for filing an
24 appeal shall run from the date of this Order.
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26 ENTERED this 17th day of April, 2003.
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2 WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD
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6 _____
7 Holly Gadbaw
8 Board Member
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11 Margery Hite
12 Board Member
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16 Nan A. Henriksen
17 Board Member
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